

Appln. No. 10/679,883
Amendment dated March 20, 2006
Reply to Office Action of February 14, 2006

REMARKS

Claims 1 and 3-26 remain in the application. Claim 2 has been cancelled and the elements set forth in dependent claim 2 have been included in newly amended independent claim 1. New claims 27-29 are presented for consideration by the Examiner. New independent claim 27 includes the elements set forth in claims 1 and 7. New independent claim 28 includes the elements set forth in claims 1 and 8. New dependent claim 29 is identical to original dependent claim 9.

In the advisory action dated February 14, 2006, the Examiner maintained his final rejection of independent claim 1 and dependent claims 5 and 6, allowed original claims 10-20 and new claims 21-26 and objected to claims 2-4 and 7-9 as being dependent upon a rejected base claim, but would allowable if rewritten in independent form to include all the limitations of the base claims and any intervening claims.

The Examiner also maintained his final rejection of claims 1-9 under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Examiner cannot find a positive recitation of establishing a dielectric constant for the fluid and a baseline constant in the specification. The Examiner requests correction and/or an explanation.

Applicants have amended claim 1 to include the elements set forth in dependent claim 2. Claim 1 has also been amended to its original form to overcome the §112 rejection. As such, Applicants respectfully submit that claim 1

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is now in allowable form. Claims 3-9 depend from claim 1 and are, therefore, also allowable.

New claims 27-29 include the elements set forth in claim 1 and 7-9 and are allowable as indicated by the Examiner.

The foregoing amendments are taken in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled in view of the prior art.

By amending the application, Applicants do not concede that the patent coverage available to them would not extend as far as the original claim. Rather, Applicants intend to file a continuation application to pursue the breadth of the claims as filed. Applicants believe that the Examiner has not made a sufficient showing of inherency of the teachings of the asserted prior art, especially given the lack of teachings in the cited references of the properties that Applicants have recited in their claims.

Further, by the present amendment, it does not follow that the amended claims have become so perfect in their description that no one could devise an equivalent. After amendment, as before, limitations in the ability to describe the present invention in language in the patent claims naturally prevent the Applicants from capturing every nuance of the invention or describing with complete precision the range of its novelty or every possible equivalent. See, Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., 62 USPQ2d 1705 (2002). Accordingly, the foregoing amendments are made specifically in the

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interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled.

CONCLUSIONS

In view of Applicants' amendments and remarks, the Examiner's rejections are believed to be rendered moot. Accordingly, Applicants submit that the present application is in condition for allowance and requests that the Examiner pass the case to issue at the earliest convenience. Should the Examiner have any question or wish to further discuss this application, Applicants request that the Examiner contact the undersigned at (248) 258-3877.

If for some reason Applicants have not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent the abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge our Deposit Account No. 12-2136 for any fee which may be due.